IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06/07/2004

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THE HONOURABLE MR.JUSTICE V.S.SIRPURKAR
and
THE HONOURABLE MR. JUSTICE A.K.RAJAN

Writ Petition No. 11731 of 2004

K.P.S. Palanivel Rajan
Advocate
C4, Manju Apartment
16/35, Parangusapuram St.,
Kodambakkam
Chennai 24. .. Petitioner

-vs-

1. The State of Tamil Nadu
rep by Secretary for Home (Transport)
Fort St. George
Chennai 9.

2. The State Transport Commissioner
Ealilagam
Chepauk, Chennai.

3. The Director General of Police
Beach Road
Santhome High Road
Chennai.

4. The Commissioner of Police
Greater Chennai
Egmore
Chennai. .. Respondents

Petition under Article 226 of the Constitution of India to issue a Writ of Mandamus as stated therein.

!Mr. K.P.S. Palanivel Rajan .. Party-in-person

^For Respondents .. Mrs. G.Kavitha

:O R D E R

(Order of the Court was delivered by V.S.SIRPURKAR, J.)
The Public Interest Litigation is for the prayer, which is in the following terms:
"The Hon'ble Court may be pleased to pass an order, direction or writ in the nature of a Writ of Mandamus directing the first respondent to implement Rule 106(1)(a) of the Central Rules 1989 and pass other orders as this Court deem fit in the interest of justice and thus render justice."

2. This is about a rule which takes care of the dazzling headlights. The rule is somewhat like this:

"Rule 106(1) - (1) No lamp showing a light to the front shall be used on any motor vehicle (whether fitted with single or dual head lamp) unless such lamp is so constructed, fitted and maintained that the beam of the light emitted therefrom -
(a) is permanently deflected downwards to such an extent that it is not capable of dazzling any person whose eye position is -

(A) at a distance of 8 metres from the front of lamp, etc.
(B) at a distance of 0.5 metres to the right side of the lamp i.e. fitted at right extreme of the vehicle, from the right edge of the lamp, and
(C) at the height of 1.5 metres from the supporting plane of the vehicle."

3. The learned counsel appearing himself in this pro bono publico says that earlier there used to be a Rule, viz. 303-A of the Madras Motor Vehicles Rules, 1940, which provided for some cautions like -
(i) Painting the top half of the head lights; or
(ii) covering the top half of the head lights; or
(iii) painting like a bull's eye of a diameter of not less than five centimetres at the centre of the head light.

He says that, that Rule is no more in vogue and instead, he points out that, there is a direct contradiction between Rule 405 of the Tamil Nadu Motor Vehicles Rules, 1989, and Rule 106 of the Central Motor Vehicles Rules, 1989. He says that this causes much annoyance for driving at night particularly in the city like Chennai.

4. It cannot be disputed that the direct beams of the head lights of the motor vehicles do cause concern and more often than not the head lights become the reason for the accidents. The role of the learned counsel in coming with this writ petition is commended.

5. However, the learned counsel appearing on behalf of the Government points out that Rule 106(1) is being scrupulously observed and if that rule is scrupulously observed, there will be no question of going back to Rule 303-A, which is on the Book of the Legislature. She also says that there is no conflict between Rule 405, which is as under:

"Rule 405:-
(a) The driver of a motor vehicle shall at all times when the light of the motor vehicle are in use so manipulate them that danger or undue

inconveniences is not caused to a person by dazzle.
(b) The Commissioner of Police in the city of Chennai and elsewhere the Superintendent of Police may by notification in the official Gazette any by the erection of suitable notice in English and Tamil prohibit the use, within such areas or in such places as may be specified in the notification of direct head light."

6. The learned counsel says that this rule is only complimentary to Rule 106(1) which we have quoted above. The learned counsel is, undoubtedly, right. Probably it is because of the advent of Rule 106(1) that nuisance caused by the dazzling head lights of the motor vehicles is being sought to be managed.

7. The learned Government Advocate points out that there are as many as 15,794 cases in 2000; 12,787 cases in 2001; 27,115 cases in 2002 ; 20,638 cases in 2003 and upto 5.6.2004 11,553 cases registered and the learned Government Advocate also points out that the total amount of fine collected out of this is Rs.43,87,450. If this is the state of affairs, we have no doubt left in our mind that the nuisance of dazzling head lights is being managed or at least there is an honest effort of its being managed. We only hope and trust that the exercise become more rigourous and the authorities concerned, more particularly, respondents 2 to 4 become more strict in the matter of the head lights, and that the spirit of Rule 106 and not the mere letter of that is followed.

8. With this observation, we dispose of the writ petition.
No costs. WPMP No.13806 of 2004 is closed.

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To
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